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8	BEFORE THE BOARD OF REGISTERED NURSING
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	
11	In the Matter of the Accusation Against: Case No. 2011-809
12	SHALISAAND LLIANE GARVIN
13	PO Box 41981 Phoenix, AZ 85080 A C C U S A T I O N
14	Registered Nurse License No. 661844
15	Respondent.
16	
17	Complainant alleges:
18	PARTIES
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
	official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20	
21	Consumer Affairs.
22	2. On or about July 27, 2005, the Board of Registered Nursing issued Registered Nurse
23	License Number 661844 to Shalisaand Lliane Garvin (Respondent). The Registered Nurse was in
24	full force and effect at all times relevant to the charges brought in this Accusation. The
25	Registered Nurse License expired on December 31, 2010, and has not been renewed.
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### JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.
- 6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

## STATUTORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

#### COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline) (Bus. & Prof. Code § 2761, subd. (a)(4))

- 9. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about January 28, 2010, in a disciplinary action before the Arizona State Board of Nursing, Order Number 0810086, the Arizona Board entered a Consent Agreement with Respondent ordering a Decree of Censure against Respondent's Arizona registered nurse license.
- 10. The underlying conduct supporting the Arizona Board's disciplinary action is that on or about October 27, 2008, the Arizona Board received a complaint from Respondent's exhusband. The allegations made in the complaint could not be substantiated, however the Arizona Board discovered other significant information in the course of their investigation. Specifically, on or about December 31, 2007, through on or about September 15, 2008, Respondent filed several Orders of Protection and also had several Orders of Protection filed against her. On or about September 11, 2008, Respondent was charged with Judicial Interference for removing items from her ex-husband's house. Respondent's ex-husband had an Order of Protection against her at the time. The charge was later dismissed. In addition, from on or about October 1, 2007, through on or about August 13, 2008, Respondent worked at Paradise Valley Hospital in Phoenix, Arizona. On or about August 13, 2008, Respondent resigned without notice and became ineligible for re-hire due to her issues with customer service.
- 11. From on or about August 11, 2008, through on or about November 10, 2008, while working at Kindred Hospital in Phoenix, Arizona, Respondent received two Performance Improvement Plans as a result of her issues with medication documentation. Specifically, on or

about September 13, 2008, Respondent failed to hang Total Parental Nutrition and Metronidazole. The medication was found in a patient's room and Respondent documented administering the medications, however the medications were returned to the pharmacy. Furthermore, from on or about August 11, 2008, until on or about November 10, 2008, Respondent gave a patient 318 milliliters of blood within two hours and thirty-five minutes, and then immediately began giving the patient the next unit of blood. Respondent did not know why the patient was having difficulty breathing. Respondent failed to follow the proper policy and procedure for administration of blood products. Kindred Hospital also received a complaint from a family member of a patient stating that Respondent told the patient that due to the patient's size, Respondent could not turn the patient as requested. Respondent failed to seek assistance in turning the patient despite existing concerns about the patient's compromised skin integrity. Respondent was terminated from Kindred Hospital due to her failure to meet standards as well as the numerous complaints filed against her.

- 12. Respondent worked for Select Specialty Hospital in Phoenix, Arizona from on or about December 1, 2008, through on or about February 5, 2009. On or about December 19, 2008, Respondent received a Disciplinary Action Form and verbal and written warnings based upon her failure to meet minimal job requirements. On or about February 5, 2009, Respondent was again disciplined by Select Specialty Hospital based upon her failure to meet minimal job requirements. On or about February 5, 2009, while Respondent was still within her 90 day introductory period, Select Specialty Hospital terminated Respondent due to her failure to exhibit the type of conduct expected of a select medical employee.
- 13. Finally, on or about October 30, 2009, Respondent was interviewed by Arizona Board staff. During her interview, Respondent was extremely anxious, hyperactive, and jumped from one topic to the next. On or about November 3, 2009, Respondent was again interviewed by Arizona Board staff. During this interview, Respondent was calm, rational, soft-spoken, and paused between sentences. Respondent denied being on medication, and she tested negative on a urine drug screen test. On or about November 20, 2009, Respondent underwent a psychological evaluation by Dr. Joseph Robinson.

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#### PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 661844, issued to Shalisaand Lliane Garvin;
- 2. Ordering Shalisaand Lliane Garvin to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
  - 3. Taking such other and further action as deemed necessary and proper.

DATED: March 28, 2011

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing Department of Consumer Affairs

State of California Complainant